

# Exhibit 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

INFERNAL TECHNOLOGY, LLC,  
TERMINAL REALITY, INC.,

Plaintiffs,

v.

MICROSOFT CORP.,

Defendant.

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**CIVIL ACTION NO. 2:18-CV-00144-JRG**

**THIRD AMENDED DOCKET CONTROL ORDER**

In accordance with the scheduling conference held in this case, it is hereby ORDERED that the following schedule of deadlines regarding discovery and pre-trial matters is in effect until further order of this Court:

<b>Current Deadline</b>	<b>Amended Deadline</b>	<b>Event</b>
February 3, 2020		*Jury Selection – 9:00 a.m. in <b>Marshall, Texas</b> before Judge Rodney Gilstrap
December 30, 2019		*Pretrial Conference – 9:00 a.m. in <b>Marshall, Texas</b> before Judge Rodney Gilstrap
December 23, 2019		*Notify Court of Agreements Reached During Meet and Confer  The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
December 23, 2019		*File Joint Pretrial Order, Proposed Jury Instructions, Proposed Verdict Form, and Responses to Motions <i>in Limine</i>
December 16, 2019		*File Notice of Request for Daily Transcript or Real Time Reporting

Current Deadline	Amended Deadline	Event
		If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at <a href="mailto:shelly_holmes@txed.uscourts.gov">shelly_holmes@txed.uscourts.gov</a> .
December 9, 2019		File Motions <i>in Limine</i>  The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
December 9, 2019		Serve Objections to Rebuttal Pretrial Disclosures
December 2, 2019		Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
November 18, 2019		Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
November 12, 2019		*Response to Dispositive Motions (including Daubert Motions). Responses to dispositive motions filed prior to the dispositive motion deadline, including Daubert Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV-56.
October 28, 2019		*File Motions to Strike Expert Testimony (including Daubert Motions)  No motion to strike expert testimony (including a <i>Daubert</i> motion may be filed after this date without leave of the Court.
October 28, 2019		*File Dispositive Motions  No dispositive motion may be filed after this date without leave of the Court.  Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances

Current Deadline	Amended Deadline	Event
		require more than agreement among the parties.
October 21, 2019		Deadline to Complete Expert Discovery
October 7, 2019		Serve Disclosures for Rebuttal Expert Witnesses
September 16, 2019		Deadline to Complete Fact Discovery and File Motions to Compel Discovery
September 16, 2019		Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
September 13, 2019		Deadline to Complete Mediation
August 16, 2019		*Claim Construction Hearing – 1:00 p.m. in <b>Dallas, Texas</b> before Judge Rodney Gilstrap and Judge Barbara N.G. Lynn
July 25, 2019	July 30, 2019	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
July 18, 2019	July 25, 2019	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
July 5, 2019		Deadline to Substantially Complete Document Production and Exchange Privilege Logs  Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial competition deadline.
July 3, 2019	July 18, 2019	*Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
June 27, 2019		*Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)
June 21, 2019		*Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
June 7, 2019		*Comply with P.R. 4-3 (Joint Claim Construction Statement)
May 31, 2019		*Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
May 21, 2019		Comply with P.R. 3-7 (Opinion of Counsel Defenses)
May 21, 2019		*Comply with P.R. 4-1 (Exchange Proposed Claim Terms)

Current Deadline	Amended Deadline	Event
March 8, 2019		Comply with Discovery Order Paragraph 3(a)(ii)

(\*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

### ADDITIONAL REQUIREMENTS

**Notice of Mediator:** The parties are to jointly file a notice that identifies the agreed upon mediator or indicates that no agreement was reached. If the parties do not reach an agreement, the Court will appoint a mediator. The parties should not file a list of mediators to be considered by the Court.

**Summary Judgment Motions, Motions to Strike Expert Testimony, and Daubert Motions:** For each motion, the moving party shall provide the Court with two (2) copies of the completed briefing (opening motion, response, reply, and if applicable, surreply), excluding exhibits, in D-three-ring binders, appropriately tabbed. All documents shall be single-sided and must include the CM/ECF header. For expert-related motions, complete digital copies of the relevant expert report(s) and accompanying exhibits shall submitted on a single flash drive. These copies shall be delivered as soon as briefing has completed.

**Indefiniteness:** In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

**Motions for Continuance:** The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:


- (a) The fact that there are motions for summary judgment or motions to dismiss pending;
- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

**Amendments to the Docket Control Order ("DCO"):** Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete

such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

**Proposed DCO**: The Parties' Proposed DCO should also follow the format described above under "Amendments to the Docket Control Order ('DCO')."

**So ORDERED and SIGNED this 27th day of February, 2019.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE